IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

Crl.MC.No. 3712 of 2007()

SC.271/2007 of ADDL. SESSIONS COURT (ADHOC-2), THRISSUR
CRIME 89/05 OF VARANDARAPILLY POLICE STATION

.....

PETITIONER:ACCUSED

VASUDEVAN,AGED 69 YEARS,
S/O.KAITHAVALAPPIL KALYANI AMMA,
MANJUR DESOM, NANDIPULAM VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.P.K.ASHOKAN
SRI.M.R.VENUGOPAL
SMT.DHANYA P.ASHOKAN

RESPONDENTS:

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR ,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3712 of 2007

Dated this the 12th day of December, 2007

O R D E R

Petitioner faces indictment in a prosecution under Section 55 of the Kerala Abkari Act. Investigation is complete. Final report was filed. Cognizance was taken by the committal court. Committal proceedings was registered. The petitioner appeared before the committal court. The case was committed to the court of session. But thereafter the petitioner has not appeared before the Court of Session. Sessions Case has been numbered and consequent to non appearance of the petitioner, the learned Sessions Judge has issued coercive processes against the petitioner. The petitioner finds such processes chasing him.

2. According to the petitioner, he is absolutely innocent. His absence was not wilful or deliberate. He could not appear before the learned Sessions Judge on 20.06.07 on account of reasons beyond his control. The case now stands posted to 29.12.07. The petitioner is willing to surrender before the Sessions Court and seek regular bail. But the petitioner apprehends that the court may not consider his application for regular bail on merits, in accordance with law and expeditiously.

He therefore prays that appropriate directions may be issued under Section 482 and/or 438 Cr.P.C.

3. It is for the petitioner to appear before the Sessions Court and explain to the learned Sessions Judge the circumstances under which he could not earlier appear before the Sessions Court. I have no reason to assume that the learned Sessions Judge would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the Sessions Court and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Sessions Judge must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-